

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:14-CT-3092-D

DEMAR WORRELL and)
ANTHONY VELASQUEZ,)
)
Plaintiffs,)
)
v.) ORDER
)
SERGEANT SPARKS, et al.,)
)
Defendant.)

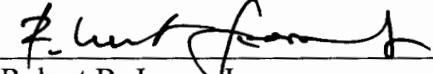
This matter is before the court on Plaintiffs' motion for discovery [DE-12], to which Defendants have failed to respond. For the reasons that follow, the motion will be denied.

This case was removed by Defendants from Wayne County Superior Court. Plaintiffs Demar Worrell and Anthony Velasquez ("Plaintiffs"), pretrial detainees proceeding pro se, filed a complaint against the Wayne County Jail and two jail sergeants, alleging violations of their constitutional rights. [DE-1-1]. On June 2, 2014, the court found that Plaintiffs' conditions of confinement claim against the sergeants survived frivolity review and dismissed the claims against the jail. [DE-9]. A Scheduling Order was entered on June 2, 2014, which provides that motions are due not later than August 1, 2014. [DE-10]. Plaintiffs then filed the instant motion for discovery on June 11, 2014. [DE-12].

In Plaintiffs' motion for discovery, they request the production of several documents. It is unclear whether Plaintiffs served Defendants with document requests pursuant to Rule 34 of the Federal Rules of Civil Procedure, which is the appropriate means to obtain documents from a party. Fed. R. Civ. P. 34(a). Accordingly, the motion for discovery is DENIED. However, given Plaintiffs' pro se status and the current motions deadline, the court will construe Plaintiffs' motion

for discovery as a request for production of documents propounded to Defendants. The court notes that a certificate of service indicates the motion for discovery was served on Defendants' counsel. [DE-12] at 2. Therefore, to the extent Defendants have not already done so, they shall produce any responsive documents, in conformity with Rule 26 and Rule 34, by no later than July 21, 2014.

SO ORDERED, this the 7 day of July 2014.



Robert B. Jones, Jr.
United States Magistrate Judge